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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,323	02/07/2002	Jose O. Barrios	87345.1701	4584

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EXAMINER

HONG, JOHN C

ART UNIT	PAPER NUMBER
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3726

DATE MAILED: 06/04/2003 2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,323

Applicant(s)

BARRIOS ET AL.

Examiner

John C. Hong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 12-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 17-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of group I, claims 1-11 and 17-26 in Paper No. 3 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In Claim 1, line 6, "a pivotal hinge plate" is not described in the specification.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 19-21 and 23-25 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19, line 2, should "assembly a piston" be -- assembly is a --?

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-4 and 7 are rejected under 35 U.S.C. 102(a) as being anticipated by Crow et al. (U.S. Patent 6,189,864).

Crow et al. disclose : Regarding Claim 1, a clutch handler assembly comprising : a lift arm (16) having one end pivotally connected to a support (10) and the other end pivotally connected to a head assembly (12) , a piston-cylinder assembly (22) connected to between the support and the lift arm, a shaft (68) having an axis connected to a pivotal hinge plate (64) wherein the hinge plate is pivotally connected to the head assembly ; and a linkage (20) pivotally connected to the head assembly and to the support about at least three pivot axes, wherein the piston-cylinder assembly moves the lift arm and the linkage from a lowered position to a raised position(Figs 1-9; col. 2, line 66 - col. 4, line 63);

Regarding Claim 2, the shaft is substantially vertical with respect to its axis and the support when the lift arm is in the lowered position (Fig. 3);

Regarding Claim 3, the shaft is substantially horizontal with respect to its axis and the support when the lift arm is in the raises position (Fig 1);

Regarding Claim 4, a stop bar (30) mounted to the support in proximity to the linkage (Fig. 3);

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Regarding Claim 7, the piston-cylinder assembly includes a hydraulic pump (col. 3, lines 57-65).

7. Claims 17-22 and 26 are rejected under 35 U.S.C. 102(a) as being anticipated by Crow et al. (U.S. Patent 6,189,864).

Crow e disclose a clutch handler assembly, comprising : Regarding Claim 17, means for loading (68) a clutch onto a head assembly supported by a lift arm, means for lifting (22) the head assembly without any manual assistance, means for moving (20, 24) the clutch handler assembly from a substantially horizontal position to a substantially vertical position (Figs 1-9; col. 2, line 66 - col. 4, line 63);

Regarding Claim 18, the means for loading is splined shaft (68) connected to the head assembly;

Regarding Claim 19, the means for lifting the head assembly is a piston cylinder assembly (22);

Regarding Claim 20, the means for moving the clutch from a substantially horizontal position to a substantially vertical position is a movable linkage (20, 24);

Regarding Claim 22, the piston-cylinder assembly includes a hydraulic pump (col. 3, lines 57-65);

Regarding Claim 26, the head assembly has an adjusting screw (80) mounted thereon for vertical movement the substantially vertical position (Fig. 6).

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Allowable Subject Matter

8. Claims 5,6, 8-11,21 and 23-25 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John C. Hong whose telephone number is 703-305-0779. The examiner can normally be reached on M-F(07:00-16:30)First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.

jh
June 2, 2003


JOHN C. HONG
PATENT EXAMINER